IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.71 OF 2005
IN
PETITION NO.209 OF 2004

WITH

MISC.PETITION NO.20 OF 2005
IN
PETITION NO.209 OF 2004

Mrs.Indravati R.Gupta .. Plaintiff/ Petitioner

Vs.

Mrs.Nageshwaridevi N.Gupta .. Defenant/ Respondent

Mr.K.R.Dhanuka with Mr.M.Jadhav for the petitioner

Mr.R.C.Kaushik for the respondent

CORAM : S.U.KAMDAR, J

DATED : 22ND JULY 2005

P.C.:

1. The learned counsel for the petitioner seeks leave to withdraw both the Notice of Motion and Misc. Petition for revocation of grant of succession certificate. Leave granted. Petition as well as motion dismissed as withdrawn. It is clarified that this will not prejudice the right of

the petitioner to file Civil Suit and claim gratuity amount pursuant to nomination. If such a claim is filed then the same will be determined in accordance with law.

2. The learned counsel for the defendant states that for a period of 8 weeks from today she will not withdraw the amount of gratuity lying with Borivli Head Post Office, Mumbai. In an event if the petitioner is not able to obtain appropriate orders within the aforesaid period of time, statement of respondent will come to an end and respondent will be entitled to withdraw the same thereafter. With the aforesaid clarifications, both Misc. Petition and Notice of Motion are disposed of.